

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-22269 of 2021 (O&M)
Date of Decision: 05.04.2024

Abhishek Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Manish Soni, Advocate
For the petitioner.

Mr. Vishal Kashyap, DAG Haryana.

Mr. Ashit Malik, Advocate
For the complainant.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 168 dated 15.04.2019, registered under Sections 406, 420, 467, 468, 471 and 120-B IPC at Police Station Sector-50, District Gurugram.

2. The present case was registered on the complaint of complainant Sandeep Sharma wherein it is alleged that he and his brother Ashok Sharma booked two flats through A Plus Realtors, Sohna Road, Sector 49 Gurugram on the instigation of petitioner and Anil Kothari who claimed themselves to be the authorized agents of Signature Global Sarvpriya Security Private Limited. The complainants gave two cheques of Rs.5.5 lakhs each to the accused persons and subsequently the accused persons also issued two post dated cheques of Rs.5.5 lakhs, for encashment in case of non allotment of flats to them. That neither flats were allotted nor

the amount was returned to the complainant party and the aforesaid cheques on their presentation were dishonoured. There are also allegations that the accused persons forged certain acknowledgment slips. During investigation main accused Anil Kothari was arrested.

3. During pendency of the present petition, counsel for petitioner showed willingness of the petitioner to deposit certain amount in order to show his *bonafide* and petitioner was granted interim bail.

4. The counsel for the petitioner apprised the Court that in compliance of the said order of interim bail the petitioner has joined investigation with the police.

5. The State counsel on instructions from ASI Rampal has not refuted the aforesaid assertion made by counsel for the petitioner and further submits that petitioner is not required for any further investigation by the police.

6. The counsel for the complainant while opposing the present petition submits that petitioner failed to deposit any money in order to show his *bonafide* and should be directed to do so by this Court.

7. In view of the fact that petitioner who has joined investigation is not required by police for any further investigation or custodial interrogation, no purpose will be served by sending him to police custody at this stage.

8. In light of above, the present petition is hereby allowed without expressing any opinion on the merits of the case and order of interim bail dated 10.03.2022 is hereby made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C. and further subject to deposit of

Rs.1.5 lakhs by the petitioner with the Illaqa Magistrate concerned within four weeks from today. The aforesaid deposit will be subject to final decision of the trial.

05.04.2024
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No